

EL DORADO

K A N S A S

PLANNING COMMISSION AGENDA

December 21, 2023

5:30 PM

1. CALL TO ORDER & ROLL CALL

Steve Fellers
Lawrence Fischetti
Scott Hackler
Debbra Laforge
Scott Leason
Brad Long
Austin Letts
Gerald Watson

2. APPROVAL OF MINUTES

1 - APPROVAL OF 11-16-23 MINUTES

3. NEW BUSINESS

ITEM NO. 1 - REZONE 1358/1360 SW HWY 77

- A. Presentation of Request
- B. Public Hearing
- C. Discussion by Planning Commission
- D. Motion

ITEM NO. 2 - PLAT KB FARMS

- A. Presentation of Request
- B. Discussion by Planning Commission
- C. Motion

4. OLD BUSINESS

5. STAFF ITEMS

6. ADJOURNMENT

EL DORADO

KANSAS

PLANNING COMMISSION MINUTES - **DRAFT**

November 16, 2023

5:30p.m.

1. CALL TO ORDER & ROLL CALL

Chairman Hackler called the meeting to order at 5:30pm.

Members Present

Steve Fellers -remote via Teams
Lawrence Fischetti
Scott Hackler
Debbra LaForge
Scott Leason
Austin Letts
Brad Long
Gerald Watson

Others Present

Debbie Hill	Matt Guthrie	Carla Chrispens
Jerry Sullivan	Gordon Harrison	Dwight Downs
Sidney Sullivan	Lynette Harrison	Shannon Stabler
Nita Whiteman	Kye Lehr	Scott VanPatten
Elizabeth Moore	Shelley Shipman	Macy Collins
Teresa Radebaugh	Deb Hall	Shelia Garrison
Kristi Pruitt	Blake Watkins	Drew Wilson
Kim Crisler	Marissa Watkins	
Les Jackson	Jenifer Davis	
Valinda Jackson	Cynthia Clugston	
Tracy Crisler	Justin Clugston	
Jim Phillips	Isaac McNary	
Kathy Long	Hollie Jimenez	
Pat Hughes	Jamie Downs	

2. APPROVAL OF MINUTES

Commissioner Long moved to approve the minutes of October 26, 2023, with the noted changes, Planning Commission meeting, seconded by Commissioner Leason. The motion passed (8-0).

3. NEW BUSINESS

ITEM NO. 1 – CASE NO. 23-08-SUP: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST FOR A SPECIAL USE PERMIT TO ALLOW TRANSITIONAL HOUSING AT 424 W CENTRAL AVE.

A. Presentation of Request

Scott Rickard provided an overview of the special use permit request by Butler Homeless Initiative to allow Transitional Housing in a C-1 Central Business District located at 424 W Central Avenue.

Patrick Hughes, the attorney for BHI, presented to approve the recommendation for BHI, stating they are the only agency in Butler County to help the homeless. Homelessness is temporary, and BHI assists their guests in learning skills and basic services and provides food and clothing. The YMCA provides showers two times a week, but no one provides a warm place to sleep or a facility to work with the guests to provide permanent housing, clothes, haircuts, South Central Mental Health services, employment services and a safe place to sleep. If guests are present, then the staff is present. Employees & volunteers must complete a background check; guests have a sign-in sheet for the Police Department to review at any time. No sex offenders are allowed, although there are registered offenders in the area. Loitering on the property is not allowed at any time, and security measures are in place to protect vulnerable people. Butler County Homeless Initiative was created to serve Butler County. If the guests are not local, they are usually provided a bus ticket to move on, and BHI has served 309 people to date, with 56 being children.

Commissioner Hackler inquired how many homeless people are taking advantage of the services.

Debbie Hill, Executive Director for BHI stated they see a rotation of 29 people daily.

Commissioner Long inquired about the policies and procedures of BHI; if a person is under the influence of drugs or alcohol, where would they go?

Ms. Hill stated they are not allowed in the facility and would continue to be on the streets or find somewhere else to go.

Commissioner Long inquired if they see people with any weapons.

Ms. Hill stated the guests must empty their pockets and leave any bags in a locked locker and they don't normally see people arrive with weapons.

Teresa Radebaugh, BHI President, commented if the concern is guns/knives, they have never been found, people know they will be searched, and most people are peaceful and not violent.

Commissioner Letts inquired about the rise of guests being served.

Mr. Hughes stated there are many factors in Coplay like the housing crisis, housing availability, etc. not one thing can be used to determine the number of people served.

Commissioner Hackler inquired when the last time the Nazarene Church had been used for services.

Ms. Radebaugh said that they used the church that day but for day services only.

Commissioner Leason asked how many rooms will be available.

Mr. Hughes stated that the Fire Department will make an occupancy determination.

Commissioner Fellers inquired about the screening process.

Ms. Hill responded by saying that there is no certification to obtain, the manager trains volunteers, and they use a metal detector wand every time, pockets are emptied, shoes are taken off, everything but their phone goes in a locker,

Ms. Radebaugh stated that the screening is done one person at a time in a small intake room, and BHI is very concerned for the safety of the staff, volunteers, and guests.

Commissioner Leason asked how many incidents have occurred at the current location like mental health issues.

Hollie Jimenez, manager of BHI, stated there were two incidents in the last 5 years. They always call the police department if something happens; homeless does not mean being criminal; it's people falling on hard times; BHI doesn't allow chaos and encourages a positive environment.

Commissioner LaForge asked if there was any increase in crime in El Dorado or the area or any data supported when the guests could stay overnight or any evidence or research having a homeless shelter increases homelessness in community.

Ms. Hill stated there was not and most guests have some connection to Butler County.

Commissioner LaForge commented that she had volunteered with BHI for about a year and everyone was very kind, appreciative and she saw no issues that are so commonly associated.

Commissioner Hackler inquired about the success rate of the guests who participated in the available programs.

Ms. Hill stated that the definition of transitional housing is to help people get into permanent housing, and last year, the success rate was 40 percent of the guests were placed into permanent housing, and they used agencies recommended by BHI and many others to find their own way to housing.

Commissioner LaForge asked if there was any research that points to increased drug use also increases homelessness.

Ms. Hill commented that she had spoken with the chief of police, and none of the people who overdosed were homeless.

Commissioner Fellers inquired if any local tax money was requested.

Mr. Hughes stated that funding is from HUD, local grants, churches, etc., but no city, county, or state dollars are used.

Commissioner Fellers inquired about the maximum number of days a guest can stay.

Ms. Hill stated they don't have a max on the number of days & that they are not going to live in a shelter; they can stay until they are ready to move forward.

Commissioner Hackler asked if there is a concern that there will be a congregation of people in between the time the shelter is opened and if there is a plan if that occurs.

Ms. Hill stated that no loitering is allowed, and they would be asked to leave.

Mr. Hughes stated that an incentive the shelter can use is if a person violates any rules, they will be barred. People are there as a matter of last resort and it's a big deal to lose services.

Commissioner Letts asked if loitering on the facility would spill over to the Performing Arts Center since it was not allowed.

Ms. Hill stated that is not a concern because rules will be followed.

Commissioner LaForge inquired where the homeless people are located now.

Mr. Hughes believes they are in a variety of places like the parks, the lake, and under the 9th Ave. bridge; wherever they can be, there is no fixed residence.

Commissioner LaForge inquired if not having the homeless shelter would make the homeless go away.

Mr. Hughes commented that the shelter is not making El Dorado more comfortable than someplace else, it's providing people a place to sleep so they can get services to move beyond homelessness if they only provided food and clothing, things wouldn't change it sustains that lifestyle, providing services helps them move out of homelessness.

Commissioner Fischetti commented he has had to run off & also call the police to remove some homeless people from his property and it would be nice if they had somewhere to go.

Mr. Hughes remarked that law enforcement can only do so much there is nowhere for the homeless to go.

Commissioner Hackler commented on the number of women and children provided services and inquired why they don't use the Safe House.

Mr. Hughes confirmed they are usually from broken families, and the safe house is for victims escaping abuse, not homelessness.

Commissioner LaForge remarked that she has volunteered for the Safe House, and they receive calls from women with children looking for somewhere to escape homelessness and not violent situations; the Safe House is unable to help them, and they are referred to BHI.

Mr. Rickard read the highlights of BHI's management plan. Their doors open at 6 pm every night, and they will intake guests, provide meals, do chores to maintain the facility and visit with staff. The guests will sleep overnight with 2 volunteers on site. Breakfast is served at 7 am, and they must leave by 8 am; BHI staff will have office hours 3 days a week. City staff have not walked through or visited the facility and are unaware of the condition, the maximum occupancy allowed, or improvements that may be needed, all of which will be determined later.

Mr. Hughes stated that the facility appears to be in good condition and that BHI plans to remodel and improve the building.

Commissioner Hackler inquired if BHI intends to purchase the building.

Mr. Hughes said they would purchase contingent if Special Use was approved.

Commissioner Fischetti asked if the Special Use Permit is not approved, if they would purchase the building for day services.

Mr. Hughes stated that BHI would not purchase and would continue to come before the commission with other locations, but they think this location is the best place to serve those in need.

B. Public Hearing

Commissioner Hackler made a brief announcement regarding the very emotional topic & strong views that others have and for everyone to stay cordial and treat everyone with respect.

Chairman Hackler opened the public hearing.

Scott VanPatten stated he had a realtor visit his home since he will be selling. They said his appraisal won't be what it should be since he lives next to the Ritchey house on N Washington. It is a halfway house where they bring in residents, and they have had several issues like people selling meth, vehicles broken into, and drunken individuals. He has three kids and doesn't allow them to go out to the side yard of his property.

Commissioner LaForge asked if there were staff at Ritchey House.

Mr. VanPatten stated there were no staff onsite.

Commissioner Long stated that a 200-foot notice is not a big enough area, and the City should revisit that regulation.

Jamie Downs of the 1st Presbyterian Church indicated the church originally purchased the building to serve children, but when the middle school moved location, the programs fell apart.

Ms. Downs also stated the church has a new mission to use the property to serve the homeless; they are everywhere, and it's a humanitarian issue. The church is not here to make a profit. They are here to serve; if the Special Use falls through, they will put the building up on the market.

Kye Lehr opposes the shelter. He lives across the street and believes the property values will decrease by 20 percent. He also thinks a bigger facility is needed with a commercial kitchen and ADA fixtures.

Jim Phillips sees homeless people up & down the alley behind his property all the time and has never seen a problem. He also doesn't see a problem with the proposed location since the current location, the Nazarene Church, is currently across from the same school. He commented that he has rented apartments to homeless people, and you can tell who wants to be on the streets and who doesn't. He believes the ladies at the church do a great job and they should be allowed the opportunity to expand.

Kathy Long opposes the request. Their property is in the 200-foot buffer, and their residence's alley receives a lot of foot traffic. The Performing Arts building is used a lot day & night, and she is concerned for the safety of students. She also stated that she is not opposed to shelter but that it shouldn't be in a residential neighborhood or across from a school.

Blake & Marissa Watkins are concerned about the safety and possible financial burden if they decide to sell and agree a shelter is needed, but not in a residential neighborhood.

Lynette Harrison opposes the request at the proposed location. She believes the shelter would negatively impact residential values. She also stated she sees people camping/congregating by the school now.

Matt Guthrie also opposes the location, and he believes it would be better for commercial use, not residential, and something that will contribute to the city.

Tracy Crisler believes the data & studies completed show a rise in crime around shelters and is concerned about the community's and students' safety. Neighbors have invested money in their property, and there is no advantage from a value standpoint; the location is not right and doesn't have enough capacity. He is also concerned about the competing people standing in line and where they will go if they can't get into the facility.

Sidney Sullivan has volunteered at BHI and stated that in all her experiences, she never felt unsafe, and BHI supports folks who are insecure and who are community members.

Kristi Pruitt is opposed to the location. She is concerned for the safety of everyone who utilizes the sidewalks along Central and noted that the gazebos in the city parks smell of urine.

Dwight Downs supports BHI and the location of the facility. Most of the comments are regarding financial situations, not homelessness. BHI will not accept problem-makers. He also noted that there is a homeless problem in El Dorado & Butler County.

Jenifer Davis, Superintendent of USD 490, noted that USD 490 receives federal and state funds yearly for meals and motel stays for homeless students and families. Ms. Davis also noted that the Performing Arts Center is a school first and foremost. There are children from 6th through 12th, and they have 68 students enrolled currently, which will increase in January; they also have virtual students as young as kindergarten. The school is in session five days a week, and many students walk. The students are in and out of the building at all hours between 8:00 and 3:30. The building is rented for events for community organizations.

Gordon Harrison is opposed to the location and believes property values will decrease.

Issac McNary, Vice President and General Manager of the Outreach Program, joined the board of BHI because they work to get people back into housing, not just provide meals, they work with people to get them back on their feet. The homeless are already here, they need help. Mr. McNary supports the request and remarked if not at this building, then where and if the problem is not addressed, it will get worse.

Macy Collins, a social worker who used to be on the BHI board, is now just a supporter. She believes what she has heard is the same meeting over & over again for a decade. They have requested many locations, even out of town, no matter what location BHI has presented, someone has a problem, and no one wants them in their backyard. BHI is always told to pick somewhere else; they will never make everyone happy. Statistics show that less than 1 percent of the homeless are violent; they grew up here. This is their home. They are already here in our backyards & walking the streets, embrace them, lead them to resources, and help them.

Justin Clugston is opposed to the request. He feels it will be a financial burden for the homeowners and doesn't feel the structure is adequate.

Ms. Jimenez wanted to clarify some of the comments. She stated people do not choose to be homeless, mentally ill, etc. BHI has served people who have needed help after a natural disaster and various other issues. They serve children, veterans, and the intellectually challenged. They don't classify who they have helped, and they help whoever they can. Ms. Jimenz asked for an investment in the community and not to generalize people. She also recommends that anyone come volunteer to see what happens and that they don't enable them to try to help the people.

Sheila Garrison inquired how many people are from El Dorado and believes the location is too small.

Drew Wilson, a BHI board member, said that BHI provides bus tickets to individuals if they have a place to go. Mr. Wilson agreed that a bigger building is needed, but they are using what they can afford, and tax dollars are not used. He also mentioned that his 10-year-old boys have helped at the shelter, they were not afraid. The idea is not to keep people homeless; it is to keep them supported to get out of homelessness and they are trying to do what they can with the funds they have and are not asking for tax money.

Commissioner Long asked Ms. Davis if USD 490 is for or against the request.

Ms. Davis stated USD 490 is against the request.

Mr. Hughes stated that public hearings are important, and the commission needs to make impartial decisions. Mr. Hughes also mentioned that Commissioner Long is clearly affected by the request, and it is wrong for him to sit on the board and participate in the discussion. According to the bylaws, Commissioner Long should have voluntarily removed himself from discussion and voting on the item.

Mr. Rickard stated that the city attorney had been consulted before the meeting.

Mr. Hughes stated that the question is not if you own property, but if you can be impartial and that it doesn't appear that is the case, and that causes a problem. The courts have determined when someone participates, and they could have had an interest in the case it vacates the whole process, and they would have to start over. This is not residential property; it is commercial, and the people across the street live across Central Avenue, the main commercial thoroughfare, not a residential neighborhood. Mr. Hughes also stated he heard concerns over the effects of property values and safety risks, which are generated from genuine fear of the unknown. The decision is not based on fear but on land use principles, and this is an appropriate use and is allowed with special use. BHI does not want to create danger. They want to help. Mr. Hughes said the problems with the building are for BHI to solve, not the board; it's only a land use issue.

Commissioner Long stated he spoke to Mr. Rickard and the city attorney, who said it was okay for him to participate.

Mr. Hughes asked Commissioner Long if he had an open mind if this request was appropriate land use.

Commissioner Long stated that he doesn't have an open mind but is trying to; he has had issues with homelessness in his neighborhood for several years.

Commissioner Hackler stated that this is not a court of law, the Planning Commission is only an advisory board for the city.

Ms. Radebaugh inquired about when it gets cold outside, and people start freezing to death, what the plan will be, and how to help BHI protect these people. Last year BHI had COVID money, so they helped people stay in motels. When the shelter reaches its capacity, they have extra money that is donated to send people to motels, and it takes care of as many people as it can.

C. Discussion by Planning Commission

Commissioner LaForge commented that a transitional housing facility will always be in someone's neighborhood and the homeless are already here. When the Terramara houses were proposed, they also had some of the same issues, and the prison wasn't wanted in our community either, and it did not become terrible. The AA house and Safe House have the same requirement for no loitering and nothing happens.

Commissioner Fischetti mentioned that the interest is for the entire community, not just the properties within 200 feet, which were notified.

Commissioner Long remarked about the compatibility the transitional housing would have to the area, and since he feels it doesn't meet the criteria, he would vote no.

Commissioner Leason asked if the special use was approved if it could get shut down and if the special use would stay with the building.

Mr. Rickard concurred that a permit stays with the applicant. Special use permits can be revoked or conditions can be placed on them.

Commissioner Fischetti long range goal & short needs, There alot of homeless now, did we create own problem

Commissioner Letts agrees with Commissioner Long that the property doesn't meet the criteria, general compatibility and safety of neighborhood.

Commissioner Leason stated if the school and landowners are opposed to the land use are they supposed to go against them.

Commissioner Watson likes what BHI is doing and said it sounds like they are a good organization, but they should be located on the outskirts of town and not downtown; he also mentioned he is against having the school so close to the property and there is a better place for them to be located and he doesn't believe the building is big enough.

Commissioner Fellers believes there is a homeless crisis but does not support the request due to the school's proximity.

Commissioner Hackler agrees there is a problem in town and that there is a need to help the folks, and it appears there are misconceptions about what BHI is trying to accomplish. He believes their mission is good but has many concerns over the school's location and the increased traffic. Regardless of the location, BHI provides a service that attracts the people who need it. He is also concerned about the building size and ADA requirements. He believes BHI should inquire into some of the empty buildings on South Main, where there are no residential houses, and believes other alternatives exist. Commissioner Hackler also commented that nobody wants this facility in their neighborhood, and the proposed location doesn't fit the bill. The Planning Commission oversees the impact of citizens & adjoining owners.

D. Motion

Commissioner Leason moved to recommend denial of Case No. 23-08-SUP, an application by the Butler Homeless Initiative for a special use permit to allow Transitional Housing at 424 W Central Avenue, seconded by Commissioner Long.

Roll Call Vote:

Steve Fellers	Y
LJ Fischetti	Y
Scott Hackler	Y
Debbra LaForge	N

Scott Leason	Y
Austin Letts	Y
Brad Long	Y
Gerald Watson	Y

The motion passed (7-1). Mr. Rickard stated the application would go to the December 18th City Commission meeting.

4. OLD BUSINESS

5. STAFF ITEMS

Mr. Rickard stated the next meeting will be held on December 21, 2023, and they will discuss a request to rezone the property at 1358-1360 SW Hwy 77.

6. ADJOURNMENT

The meeting was adjourned at 8:10pm.

Legend

- 1000' Buffer
- Subject Property
- City_limits

Zoning 2023

<all other values>

Zone

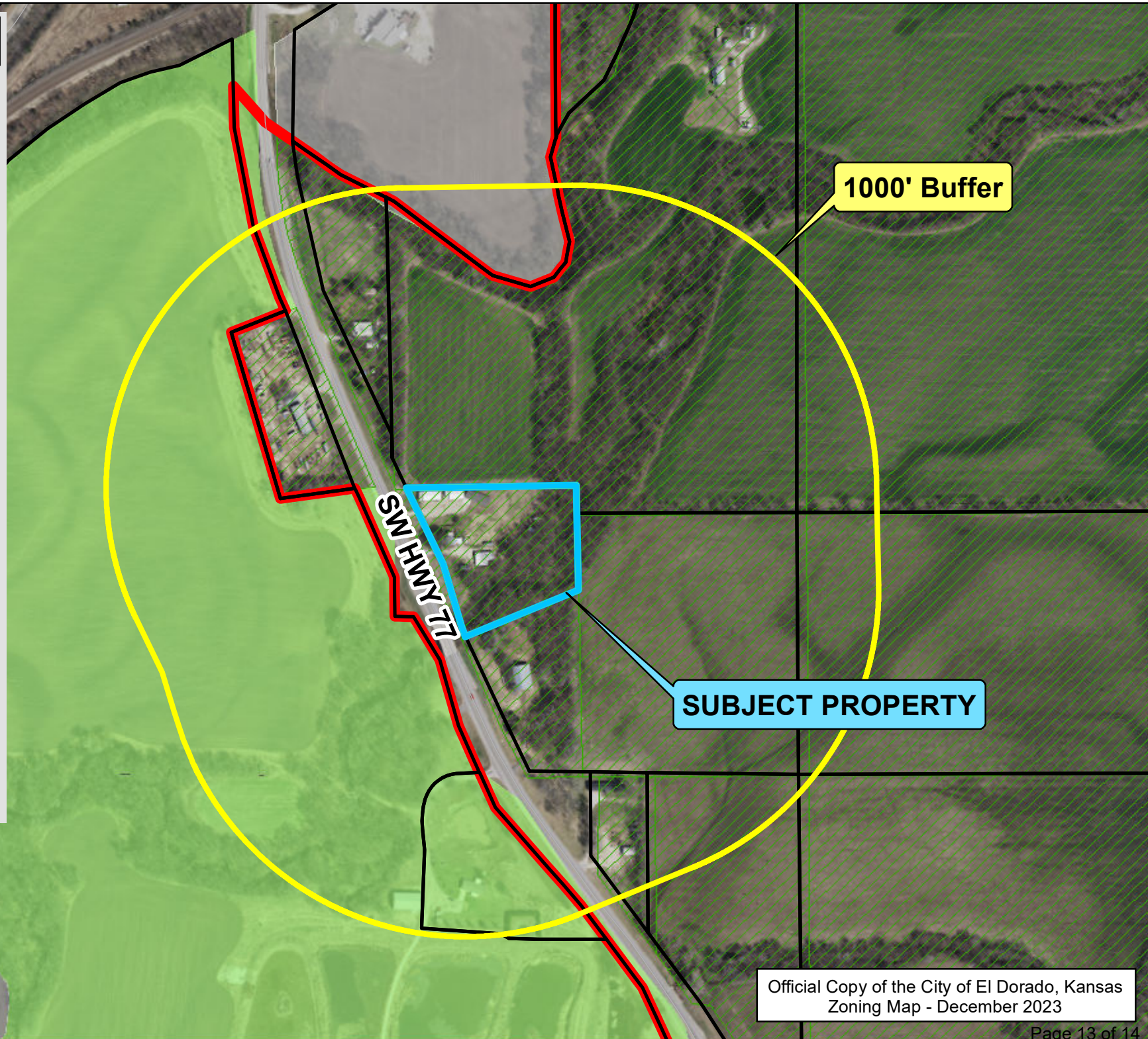
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- C-1
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- I-1
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- R-1
- R-2
- R-3
- R-S

ETJ District

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ZONE

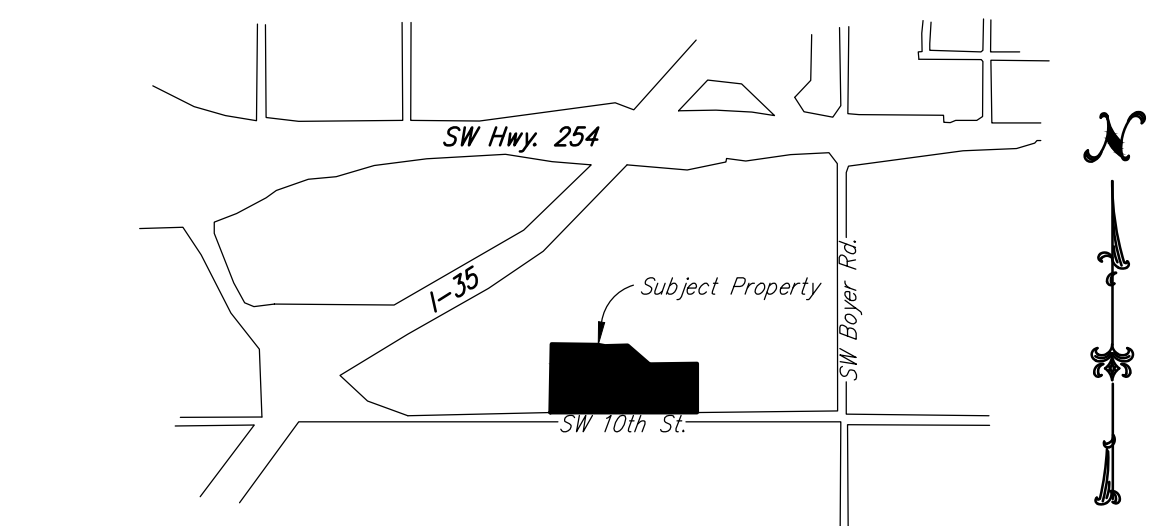
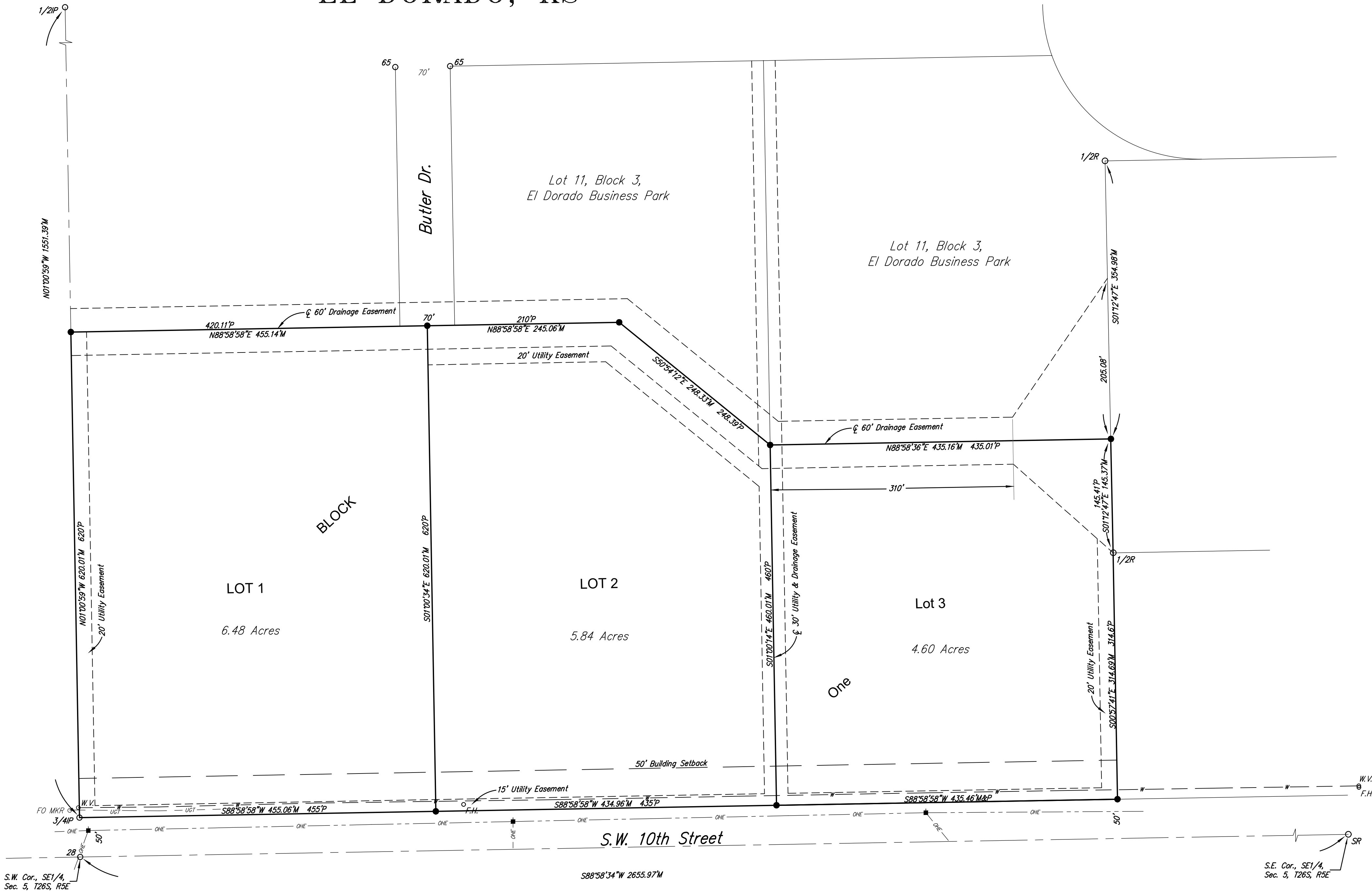
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- R-3
- R-1
- R-S



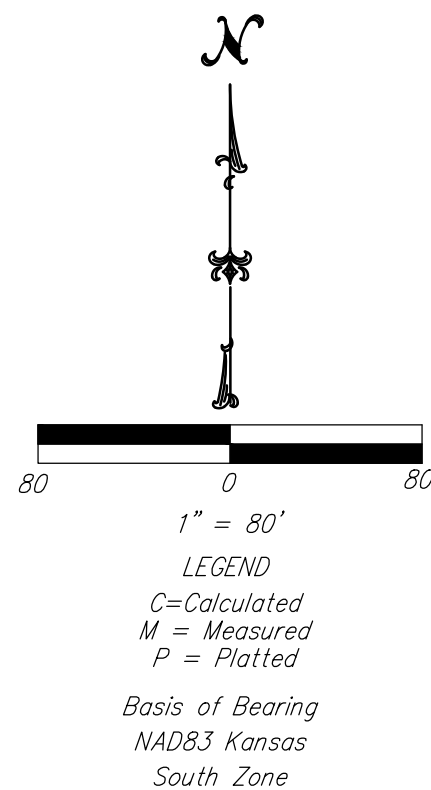
1000' Buffer

SUBJECT PROPERTY

KB FARMS
REPLAT OF
LOTS 12 AND 13 BLOCK 1,
& Lots 12-14, Block 3,
EL DORADO BUSINESS PARK
EL DORADO, KS



- LEGEND
- W = WATER MAIN
OHE = OVERHEAD ELECTRIC
UGT = UNDER GROUND TELEPHONE
- F.H. FIRE HYDRANT
○ FO MKR FIBER OPTIC MARKER
■ POWER POLE
○ W.V. WATER VALVE
- SR SUCKER ROD (Found)
○ 28 1/2" Bar w/CLS 28 Cap (Fd)
○ 65 1/2" Bar w/CLS 65 Cap (Fd)
○ 1/2R 1/2" Rebar (Found)
○ 1/2P 1/2" Iron Pipe (Found)
○ 3/4P 3/4" Iron Pipe (Found)
● 1/2"x24"Bar w/BHC Cap (Set)



CERTIFICATE OF SURVEY

I, the undersigned, licensed professional Surveyor of the State of Kansas, do hereby certify that the following described tract of land was surveyed on November 14, 2023 and the accompanying Final Plat prepared and shown to the best of my knowledge and belief: Lots 12 and 13, Block 1, Lots 12, 13 and 14, Block 3, AND Vacated Butler Drive, El Dorado Business Park, an Addition to El Dorado, Butler County, Kansas.

Date Signed: _____
Roger L. Cutsinger P.S. #805

LAND SURVEYORS REVIEW

Reviewed in accordance with K.S.A. 58-2005 on this _____ day of _____, 20____.

Michael A. Work PS#1160
Butler County Surveyor, Butler Co., Kansas

OWNER'S CERTIFICATE

State of Kansas) SS
County of Butler)

This is to certify that the undersigned owner(s) of the land described in the Surveyor's Certificate; have caused the same to be surveyed and subdivided on the accompanying plat into lots, blocks, streets and other public ways under the name of KB Farms, a Replat of Lots 12 and 13 Block 1, Lots 12, 13 and 14, Block 3, El Dorado Business Park, in El Dorado, Butler County, Kansas; that all highways, streets, alleys, easements and public grounds as denoted on the plat are hereby dedicated to and for the use of the public for the purposes of constructing, operating, maintaining and repairing public improvements. The land contained herein is held and shall be conveyed subject to any restrictions, reservations, and covenants on file or hereafter filed in the Office of the Register of Deeds of Butler County, Kansas.

Date Signed: _____
Kevin D. Brownlee

NOTARY CERTIFICATE

State of Kansas) SS
County of Butler)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____
Kevin D. Brownlee

_____, Notary Public

My appointment expires: _____

PLANNING COMMISSION CERTIFICATE

State of Kansas) SS
County of Butler)

This plat of Replat of Lots 12 and 13 Block 1, Lots 12, 13 and 14, Block 3, El Dorado Business Park, has been submitted to and approved by the El Dorado Planning Commission on this _____ day of _____, 20 ____.

_____, Chairman
ATTEST: _____, Secretary

CITY COMMISSIONER'S CERTIFICATE

State of Kansas) SS
County of Butler)

These easements and right-of-way accepted by the City Commission of El Dorado, Kansas, this _____ day of _____, 20 ____.

_____, Mayor
ATTEST: _____, City Clerk

CITY ATTORNEY'S CERTIFICATE

State of Kansas) SS
County of Butler)

This plat is approved as an addition to the City of El Dorado, Kansas pursuant to the provisions of K.S.A. 12-401.

Date Signed: _____
Ashlyn Lindskog, City Attorney

~ BUTLER COUNTY REGISTER OF DEEDS ~

STATE OF KANSAS)
COUNTY OF BUTLER) SS

This is to certify that this instrument was filed for record in the Register of Deeds office at _____ M. on the _____ day of _____, 2023 and was duly recorded in Book _____ at Page _____.

Jacque Roberts, Register of Deeds

~TRANSFER RECORD~

Entered on transfer record this _____ day of _____, 2023

Tatum Stafford, Butler County Clerk

PROJECT NO. 040450.00.01

